

Application No.: 10/812,449

Docket No.: G00342/US

REMARKS

Applicants have carefully reviewed the Office Action mailed June 20, 2005. In response to the Office Action, no claims have been amended. Accordingly, claims 1-25 remain pending in this application. The Applicants respectfully request reconsideration of the present application in view of the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,585,601, *Booker et al.* For at least the following reasons, the Applicants respectfully traverse the rejection.

The Examiner has expressly cited Figure 1 of Booker as teaching every limitation of each pending claim. Applicants note that Booker is directed to a propeller shaft assembly. The specification of Booker does not discuss any structural elements of the boot illustrated in Figure 1. Indeed, the boot is not even provided with a reference number in any of the Figures of Booker, nor is the boot claimed in Booker.

Applicants also note that in rejecting each claim, the Examiner states “Booker et al disclose” and then recites the limitations of the claim. This is repeated 25 times, once for each claim, but the Examiner has not pointed out what portions of Figure 1 of Booker correlate to the limitations of the pending claims. Accordingly, the Examiner has failed to establish a *prima facie* case of anticipation. However, Applicants will discuss at least a portion of the limitations of the pending claims that are not clearly shown in Figure 1 of Booker.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Drawings may be used as an anticipatory reference, but only for those things clearly shown. See *In re Mraz*, 173 USPQ 25 (CCPA, 1972).

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Since the boot of Figure 1 of Booker is not described in the specification of Booker, and the Examiner did not indicate the features of the boot of Figure 1 of Booker that the Examiner asserts correlate to the claimed "first stabilizing member," "plurality of articulating convolutes," "grease catching member," "second stabilizing member," or "plurality of plunging convolutes," Applicants have reproduced Figure 1 of Booker and FIG. 4 of the present application below.

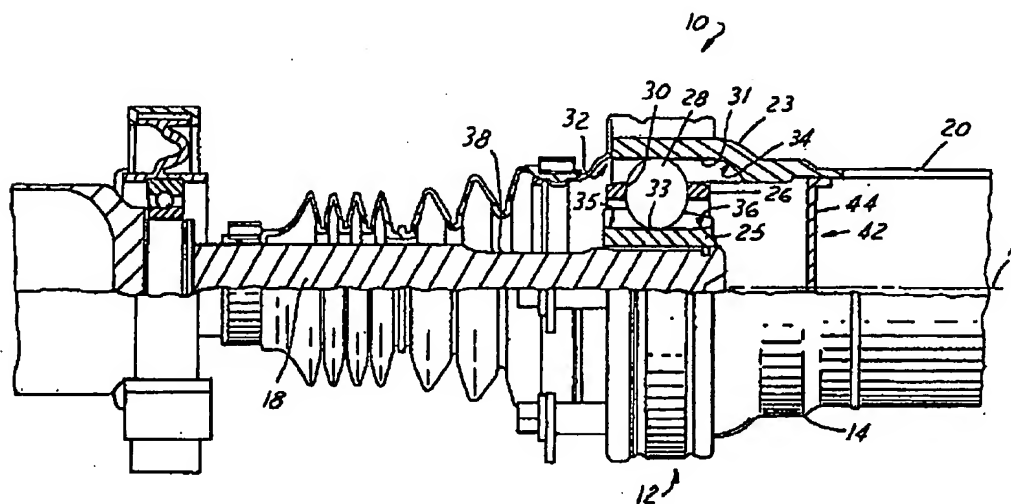


Figure 1 of Booker

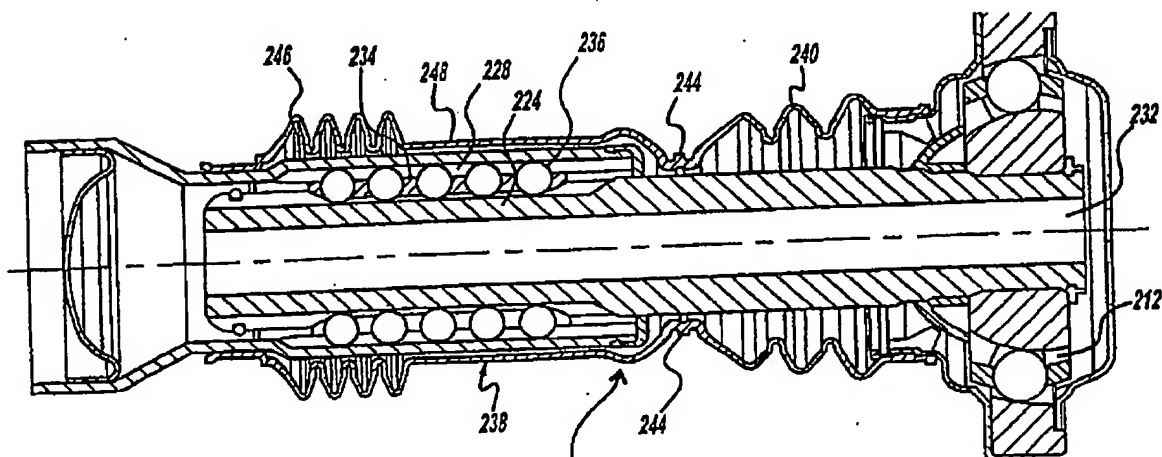


Figure 4 of the present Application

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Independent claims 1, 12 and 23 each positively recite, at least in part, "a first stabilizing member joining the plurality of articulating convolutes and the grease catching member." However, Booker does not appear to disclose a grease catching member. Nor does Booker disclose a first stabilizing member joining a plurality of articulating convolutes to a grease catching member. Accordingly, Booker cannot anticipate independent claims 1, 12 and 23.

Independent claims 1, 12 and 23 also recite "a second stabilizing member joining the plurality of plunging convolutes and the grease catching member." Again, Booker does not disclose a grease catching member. Nor does Booker disclose a second stabilizing member positioned between plunging convolutes and a grease catching member. Thus, Booker does not teach every limitation of independent claims 1, 12 and 23, as required in *Verdegaal Bros.*

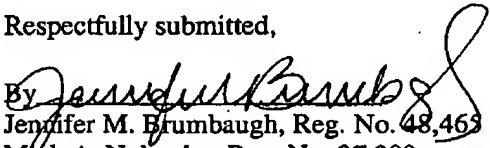
Dependent claims 2-11, 13-22, and 24-25 contain additional limitations not shown or disclosed in Booker. Further, the dependent claims are also patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In view of the above remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-1360, under Order No. G00342/US from which the undersigned is authorized to draw.

Dated: September 6, 2005

Respectfully submitted,

  
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